

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

**IN RE:
PAULINE MARIE DARR**

**CASE NO: 09-63229
CHAPTER: 7
JUDGE: SHAPERO**

Debtors

DEBTOR'S MOTION TO RETAIN OF INSURANCE PROCEEDS

NOW COMES Debtors, by and through her attorney, William R. Orlow, and in support of her objection states the following:

1. Debtor filed Chapter 13 Bankruptcy on July 27, 2009.
2. Debtor's Chapter 13 Plan was confirmed on December 22, 2009.
3. Debtor converted to Chapter 7 Bankruptcy on or about November 16, 2010.
4. Debtor's home has now become inhabitable due to a mold infestation and water damage.
5. On July 19, 2010, Debtor filed a Motion to Allow her to Retain Insurance Proceeds to Make Repairs (Docket #60). The Bankruptcy Court entered an Order allowing Debtor to Retain said proceeds, with conditions, on August 12, 2010 (Docket #68).
6. However, due to a number of factors, including, but not limited to: a) the length of time from the initial damage to Debtor's residence until Debtor was able to obtain an Order from this Court addressing the insurance proceeds; and b) the further delay subsequent to the Court's August 12, 2010 Order due to administrative issues with the company contracted to make the repairs, the damage to Debtor's residence has progressed to the point where the funds received from Debtor's insurance claim are insufficient to repair the home, and Debtor is without the necessary funds to cure this deficiency.
7. That Debtor has been unable to reside in her residence since the damage to her residence occurred; however, Debtor has continued to pay lot rent of \$382.00 per month up until Debtor converted in November 2010.
8. Debtor requests that she be allowed to retain the balance of these insurance proceeds to allow Debtor to get back on her feet, including securing adequate automobile insurance for her vehicle, as well as putting funds towards securing new housing.
9. Prior to filing this Motion, Debtor sought the concurrence of Green Tree Servicing, but was unable to come to a resolution on the matter as of this time.
10. Attached is a Proposed Order

WHEREFORE Debtor prays this Honorable Court grant her motion and grant what further relief this Court deems equitable and just.

Dated: December 22, 2010

/s/ Corey M. Carpenter
WILLIAM R. ORLOW (P41634)
COREY M. CARPENTER (P67818)
Attorney for Debtor
24100 Woodward Avenue
Pleasant Ridge, Michigan 48069
248-584-2100
Corey_Carpenter@comcast.net

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Debtors

/

ORDER GRANTING DEBTORS' MOTION TO RETAIN INSURANCE PROCEEDS

This matter having come on for hearing before the Court by way of the Debtor's Motion to Retain Insurance Proceeds, service having been made, no response being filed, a certificate of non-response being filed with the Court, and the Court being otherwise fully advised in the premises;

NOW THEREFORE;

IT IS HEREBY ORDERED that Debtor may retain her portion of insurance proceeds received from American Bankers Insurance Company of Florida from claim #X0090 in the amount of \$2,750.38, less amounts paid for inspection fees on the premises.

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Debtors

NOTICE OF DEBTOR'S MOTION RETAIN INSURANCE PROCEEDS

Corey M. Carpenter has filed papers with the Court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the motion, or if you want the court to consider your view on the motion, **WITHIN 14 DAYS**, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at

United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

William R. Orlow
Attorney for Debtor(s)
24100 Woodward
Pleasant Ridge, MI 48069

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated: December 22, 2010

/s/ Corey M. Carpenter
William R. Orlow (P41634)
Corey M. Carpenter (P67818)
Attorney for Debtor
24100 Woodward
Pleasant Ridge, MI 48069
(248) 584-2100
corey_carpenter@comcast.net

**UNITED STATES BANKRUPTCY COURT
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Debtors

/

CERTIFICATE OF SERVICE

COREY M. CARPENTER, hereby certifies that on December 22, 2010, he served the **Debtor's Motion To Retain Insurance Proceeds, Proposed Order, Notice Of Debtor's Motion And Certificate Of Service**, in said case upon the following parties via the Court's ECF filing system upon:

**KENNETH NATHAN
CHAPTER 7 TRUSTEE
260 FRANKLIN CENTER
29100 NORTHWESTERN HWY.
SOUTHFIELD, MI 48034**

**GREEN TREE SERVICING
C/O GARY ROGERS
124 WEST ALLEGAN, STE. 1000
LANSING, MI 48933**

And via Regular First Class Mail upon:

*******All Creditors on the Attached Matrix*******

Respectfully submitted,

/s/ Corey M. Carpenter
Corey M. Carpenter (P67818)
Attorney for Debtor
24100 Woodward Avenue
Pleasant Ridge, MI 48069
(248) 584-2100
Corey_carpenter@comcast.net

Label Matrix for local noticing
0645-2
Case 09-63229-wsd
Eastern District of Michigan
Detroit
Wed Dec 22 16:20:59 EST 2010

42-2 Judicial District Court
Acct No 073463GC
35071 23 Mile Road
New Baltimore, MI 48047-3649

Green Tree Servicing LLC (as assignee of Gre
c/o Gary C. Rogers
124 W. Allegan, Suite 1000
Lansing, MI 48933-1716

2
211 West Fort Street
Detroit, MI 48226-3244

42-2 Judicial District Court
Acct No 10-3505LT
35071 23 Mile Road
New Baltimore, MI 48047-3649

ATT
Acct No 24222659
C/o West Asset Management
2703 N. Highway 75
Sherman, TX 75090-2567

ATT/SBC/-Michigan FACC
Acct No D100AME5095088040
C/o Debt Credit Services
2493 Romig Rd.
Akron, OH 44320-4109

Back to Health Chiropractic
Acct No x65-KL
38165 Utica Rd
Sterling Heights, MI 48312-1767

Bank of America DDA
Acct No 9317886
C/o Client Services Inc
3451 Harry S. Truman Blvd.
Saint Charles, MO 63301-4047

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Capital One
Acct No 517805246852
PO Box 30281
Salt Lake City, UT 84130-0281

Cash Connection c/o JJ Marshall
6060 Collection Dr
PO Box 182190
Shelby Township MI 48318-2190

Christian Financial Credit Union
Acct No 206000002841
18441 Utica Rd.
Roseville, MI 48066-4202

Christian Financial Credit Union
c/o Butler, Butler & Rowse-Oberle PLLC
24525 Harper Ave. Ste. 2
St. Clair Shores, MI 48080-1286

DTE Energy
Acct No xxxxxxxx0036
C/o NCO Financial Systems Inc
507 Prudential Rd
Horsham, PA 19044-2308

DTE Energy
One Energy Plaza
2160 WCB
Detroit, MI 48226

Eastpointe Radiologists
Acct No xxxx3766
36175 Harper Avenue
Clinton Township, MI 48035-3274

Eastpointe Radiologists
Acct No xxxxxx76-02
36175 Harper Avenue
Clinton Township, MI 48035-3274

First Premier Bank
Acct No 517800733150
601 S. Minnesota Ave.
Sioux Falls, SD 57104-4824

Fitness USA Supercenters
Acct No 7426
C/o National Credit Corp
7091 Orchard Lake Rd.
West Bloomfield, MI 48322-3654

General Radiology Associates
Acct No 123164976
C/o Credit Services Inc.
304 Quincy St.
Hancock, MI 49930-1802

General Radiology Associates
Acct No 124348288
C/o Credit Services Inc.
304 Quincy St.
Hancock, MI 49930-1802

General Radiology Associates P.C.
c/o Credit Services Inc.
Ste. 200
Marquette, MI 49855

(c)GREEN TREE SERVICING LLC
ACCT NO 5250
332 MINNESOTA ST STE E610
SAINT PAUL MN 55101-1311

(p)GREENTREE SERVICING LLC
BANKRUPTCY DEPARTMENT
P O BOX 6154
RAPID CITY SD 57709-6154

Green Tree Servicing LLC
PO BOX 0049
PALATINE, IL 60055-0049

Green Tree Servicing LLC
c/o Gary Rogers
124 W. Allegan
Suite 1000

HENRY FORD MACOMB C/O MMCC
ACCT# XXX3651
6324 TAYLOR DR. FLINT, MI 48507

HENRY FORD MACOMB C/O MMCC xxx2920
6324 TAYLOR DR.
FLINT, MI 48507-4680

MCG E.R. C/O MMCC
ACCT# xxxx4432
6324 TAYLOR DR. FLINT, MI 48507

MCG ER Charles MOK DO PC
Acct No 3897413
C/o Merchants & Medical
6324 Taylor Dr.
Flint, MI 48507-4680

MCG ER Glenn A Delong DO
Acct No 4484432
C/o Merchants & Medical
6324 Taylor Dr.
Flint, MI 48507-4680

MCG ER Glenn A Delong DO
Acct No 4595982
C/o Merchants & Medical
6324 Taylor Dr.
Flint, MI 48507-4680

Matthew Good
59133 Faye St.
New Haven, MI 48048-2055

Midwest Diagnostic Imaging
Acct No 314360333308
C/o Accurate Account Solutio
4631 W. Walton Blvd.
Waterford, MI 48329-3536

Mohammad K. Al-Zouhayli MD
Acct No 081346GC
C/o Richard Muller, Esq
33233 Wooward
PO Box 3026
Birmingham, MI 48012-3026

Mohammad K. Al-Zouhayli MD
Acct No 1118343
C/o Congress Collection Corp.
24901 Northwestern Hwy.
Ste. 300
Southfield, MI 48075-2207

Mt. Clements Reg. Med. Ctr.
Acct No 073463GC
C/o Paul Ingber, Esq.
3000 Town Center Ste. 2390
Southfield, MI 48075-1122

Premier Bank Card, Inc.
Acct No 44707050
Arrow Financial Service
5996 W. Touhy Ave.
Niles, IL 60714-4610

Professional Emergency Care
Acct No xxxx2772
C/o Law Office of George Gusses Co LPA
33 S Huron St
Toledo, OH 43604-8705

Professional Emergency Care
Acct No xxxx2515
PO Box 1257
Troy, MI 48099-1257

Riverbrook Trailer Park
59477 Hardy Lane
New Haven, MI 48048-2065

Riverbrook Trailer Park
Acct No 10-3505LT
59477 Hardy Lane
New Haven, MI 48048-2065

Riverbrook Trailer Park
Acct No xx-xx05LT
C/o Swistak & Levins PC
30445 Northwestern Hwy #140
Farmington Hills, MI 48334-3174

Security Check LLC
Acct No 841
2612 Jackson Ave. W.
Oxford, MS 38655-5405

Semco Energy
Acct No 036888501
PO Box 740812
Cincinnati, OH 45274-0812

Semco Energy
Acct No xxxx8502
C/o Midwestern Audit Services Inc
PO Box 725129
Berkley, MI 48072-5129

Sprint
Acct No 11483735
C/o Harvard Collection
4839 N. Elston Ave.
Chicago, IL 60630-2534

Sprint
Acct No 15932721
C/o Enhanced Recovery Corpor
8014 Bayberry Rd.
Jacksonville, FL 32256-7412

Sprint
Acct No 18078587
C/o Enhanced Recovery Corpor
8014 Bayberry Rd.
Jacksonville, FL 32256-7412

Sprint Nextel Correspondence
Attn: Bankruptcy Dept
PO Box 7949
Overland Park KS 66207-0949

Sprint Nextel Distribution
Attn: Bankruptcy Dept
P.O. Box 3326
Englewood, CO 80155-3326

St Clair Estates c/o JJ Marshall
6060 Collection Dr
PO Box 182190
Shelby Township MI 48318-2190

St. Clair Estates Clinton Twp.
Acct No 08-3764-GC
C/o Dean J. Ausilio, Esq
6060 Collection Dr. #100
Shelby Twp., MI 48316-4946

St. Clair Estates Clinton Twp.
Acct No 1170661
C/o JJ Marshall & Assoc
6060 Collection Dr.
Shelby Twp., MI 48316-4946

St. John Macomb ER Physicians
Acct No 65393
C/o NCO Fin/55
PO Box 13570
Philadelphia, PA 19101

St. John Macomb ER Physicians
Acct No 98094376
C/o NCO Fin/55
PO Box 13570

St. John Medical Resource Group
Acct No 5129812
C/o NCO Fin/55
PO Box 13570
Philadelphia, PA 19101

U.S. Trustee
211 W. Fort Street
Suite 700
Detroit, MI 48226-3263

Urgent Care
Acct No xxxxxxxx7-919
C/o Merchant & Medical Corp
6324 Taylor Dr
Flint, MI 48507-4680

Urgent Care
Acct No xxxxxxxxx-0051
C/o Merchant & Medical Corp
6324 Taylor Dr
Flint, MI 48507-4680

eCAST Settlement Corporation
POB 35480
Newark NJ 07193-5480

Carla Mitri
Orlow and Cardasis
24100 Woodward Ave.
Pleasant Ridge, MI 48069-1138

Corey M. Carpenter
24100 Woodward Ave
Pleasant Ridge, MI 48069-1138

Kenneth Nathan
260 Franklin Center
29100 Northwestern Highway
Southfield, MI 48034-1046

Pauline Marie Darr
59133 Faye St.
New Haven, MI 48048-2055

William R. Orlow
24100 Woodward Ave.
Pleasant Ridge, MI 48069-1138

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

CAPITAL ONE BANK (USA), N.A.
C/O TSYS DEBT MANAGEMENT (TDM)
PO BOX 5155
NORCROSS, GA 30091

Green Tree Servicing LLC
Acct No 525022703
Mailstop L 800M
800 Landmark Tower's
345 St. Peter St.
Saint Paul, MN 55102

(d)Green Tree Servicing LLC
Bankruptcy Department
P.O. Box 6154
Rapid City, SD 57709

(d)Green Tree Servicing LLC
PO Box 6154
Rapid City, SD 57709-6154

Addresses marked (c) above for the following entity/entities were corrected
as required by the USPS Locatable Address Conversion System (LACS).

Green Tree Servicing LLC
Acct No 5250
332 Minnesota St.
Ste. 610
Saint Paul, MN 55101

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Christian Financial Credit Union

	End of Label Matrix
Mailable recipients	68
Bypassed recipients	1
Total	69